



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/630,753

08/02/2000

David C. Taylor

2852.2.1

8043

28049

7590

06/22/2006

PATE PIERCE & BAIRD
215 SOUTH STATE STREET, SUITE 550
PARKSIDE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

ALLEN, WILLIAM J

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/630,753	Applicant(s) TAYLOR ET AL.	
	Examiner William J. Allen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 23-28, 41 and 43-53 is/are pending in the application.
- 4a) Of the above claim(s) 21, 23-28, and 51-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41 and 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/21/06; 4/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 21, 23-28, 41, and 43-53 were pending per Applicant's amendment filed 10/17/2005.

Claims 21, 23-28, and 51-53 have been withdrawn per applicant's response to election/restriction filed 4/6/2006.

Claims 21, 23-28, 41 and 43-53 are currently pending.

Election/Restrictions

Applicant's election without traverse of Invention II, Species I in the reply filed on 4/6/2006 is acknowledged.

Response to Arguments

Applicant's arguments with respect to claims 41, and 43-50 filed 10/17/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. Claims 45 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 45 and 50 recites the limitation "the coherent group". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 41, 43, 47, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (US 5,754,939, herein referred to as Herz).**

Regarding claim 41, Herz teaches:

mining to gather and organize information from the Internet to form a database having a hierarchical schema (see at least: abstract, col. 1 lines 45-52, col. 2 lines 4-11, col. 4 lines 34-col. 5 line 5, col. 54 lines 30-31, col. 6 lines 34-38, and col. 7 lines 47-50, Fig. 5);

acquiring a textual query from a user (see at least: col. 4 lines 55-64, col. 7 lines 62-65, col. 8 lines 37-39, col. 66 lines 48-54, Fig. 15);

deriving a micro-context corresponding to the meaning for the textual query by examining a user's activities on the user's computer (see at least: abstract, col. 5 lines 6-25, col. 6 lines 51-60); The Examiner notes that a target profile interest summary is developed as a micro-context corresponding to the search/query profile sets of the user interests and is continually updated according to the user's changing interests;

operating independently from the hierarchal schema to locate a subset of the information in the database, the subset corresponding to the micro-context (see at least:

Art Unit: 3625

abstract, col. 5 lines 6-25, col. 6 lines 51-60); The Examiner notes that the customized rank order list is a *sub set* developed independently by a first and second module (see at least: col. 6 lines 42-49);

presenting the subset to a user (see at least: abstract, col. 5 lines 6-25, col. 6 lines 51-60, Fig. 10, 16).

Regarding claims 43, 47, and 49 Herz teaches:

(43 and 47) *wherein examining a user's activities on the user's computer comprises tracking a user's navigation through the Internet to gather contexts important to the user* (see at least: col. 7 lines 22-28 and lines 47-50, col. 58 lines 55-60). The Examiner notes that the system monitors and tracks a user's browsing habits of the on-line (i.e. Internet) articles.

(49) *wherein examining a user's activities comprises reviewing the results produced by prior Internet searches conducted by the user to gather information regarding contexts important to the user* (see at least: col. 21 line 66-col. 22 line 15). The Examiner notes that by analyzing feedback on previously provided target objects (i.e. prior search results) and thereby analyzes the results.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 44, 45, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Colby et al. (US 2002/0077997, herein referred to as Colby).**

Regarding claims 44 and 48, Herz teaches all of the above as noted and further teaches searching an online/internet database and examining user activities (including prior search results) to gather information on contexts important to the user and derive a micro-context (see at least: col. 7 lines 22-28 and lines 47-50, col. 21 line 66-col. 22 line 15, col. 58 lines 55-60). Herz, however, does not expressly disclose where examining user activities/deriving a micro-context includes *reviewing prior searches*. Colby teaches a system where an advisor determines the effectiveness of existing tables based upon an analysis of query histories (i.e. by *reviewing prior searches*) completed by users. Additionally, the advisor logs queries that are rewritten by the Rewriter and queries that would benefit from being rewritten (see at least: 0016, 0076-0077). The Examiner notes that the "views" are analogous to a micro-context. It would have been obvious to one of ordinary skill in the art at the time of invention to have included where examining user activities/deriving a micro-context includes *reviewing prior searches* as taught by Colby

in order to provide a system in which potential new views (i.e. micro-contexts) may be created in order to improve query/search performance (see at least: Colby, 0076).

Regarding claim 45, as cited in claim 49, Herz further teaches *wherein examining a user's activities comprises reviewing the results produced by prior Internet searches conducted by the user to gather information regarding contexts important to the user* (see at least: col. 21 line 66-col. 22 line 15). The Examiner notes that by analyzing feedback on previously provided target objects (i.e. prior search results) and thereby analyzes the results.

3. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Hatakeyama et al. (US 5,469,354, herein referred to as Hatakeyama).

Regarding claim 50, Herz discloses all of the above as noted and further discloses breaking textual elements of the target objects into component words and textual bigrams (see at least: col. 13 lines). Herz, however, does not expressly teach *wherein deriving a micro-context comprises assembling words from the textual query to form a coherent group*. Hatakeyama teaches dividing search terms into component/constituent characters, and thereby teaches *deriving a micro-context comprises assembling words from the textual query to form a coherent group* (see at least: col. 12 lines 46-60). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Herz to have included *deriving*

a micro-context comprises assembling words from the textual query to form a coherent group as taught by Hatakeyama in order to reduce the number of the documents which are to be subjected to the time-consuming body text search to a possible minimum, whereby the volume of the documents to undergo the text body search can be reduced correspondingly, which in turn means equivalently that the full text or document retrieval can be realized at a very high speed (see at least: Hatakeyama, col. 16 lines 40-53).

4. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Colby, as applied to claims 41 and 43-45, and in further view of Hatakeyama.

Regarding claim 46, Herz in view of Colby teaches all of the above as noted and further discloses breaking textual elements of the target objects into component words and textual bigrams (see at least: Herz, col. 13 lines). Herz in view of Colby, however, does not expressly teach *wherein deriving a micro-context comprises assembling words from the textual query to form a coherent group*. Hatakeyama teaches dividing search terms into component/constituent characters, and thereby teaches *deriving a micro-context comprises assembling words from the textual query to form a coherent group* (see at least: col. 12 lines 46-60). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Herz in view of Colby to have included *deriving a micro-context comprises assembling words from the textual query to form a coherent group* as taught by Hatakeyama in

Art Unit: 3625

order to reduce the number of the documents which are to be subjected to the time-consuming body text search to a possible minimum, whereby the volume of the documents to undergo the text body search can be reduced correspondingly, which in turn means equivalently that the full text or document retrieval can be realized at a very high speed (see at least: Hatakeyama, col. 16 lines 40-53).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5301109 to Landauer et al. discloses a computerized cross-language document retrieval using latent semantic indexing
- US 5321833 to Chang et al. discloses an adaptive ranking system for information retrieval
- US 5331556 to Black et al. discloses a method for natural language data processing using morphological and part-of-speech information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Pond can be reached on (571) 272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
June 14, 2006


Primary Exr